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**VIA FAX: 1-703-872-9306**  
**No. of Pages: 18**

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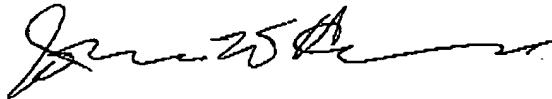
RE: U.S. Patent Application 10/614,520  
Filed July 7, 2003  
MEZZANINE SAFETY GATE  
Our File: BENK.P0107US

Dear Sir/Madam:

Enclosed please find a copy of the Amendment (Response) in the above application that was filed on November 30, 2004, per the Examiner's request.

If you need anything further, please do not hesitate to contact the undersigned.

Respectfully submitted,



John W. Renner

JWR/dip  
Enclosures

05/26/05 16:34 FAX 216 621 6165

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Attorney Docket # BENK.PO107US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

APPLICANT: BENKO, J.C.  
U.S. SERIAL No.: 10/614,520 Group No: 3634  
U.S. FILING DATE: July 7, 2003 Examiner: Tran, K.H.  
TITLE: MEZZANINE SAFETY GATE

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

Warning: Failure to file a complete response in compliance with §1.135C leads to a reduction in patent term adjustment - See §1.704C(7).

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

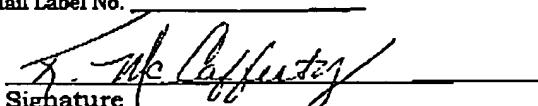
a small entity. A statement:

is attached.  
 was previously submitted.  
 other than a small entity.

CERTIFICATION UNDER 37 CFR § 1.8(a) and/or 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Arlington, Virginia 22313 with sufficient postage as first class mail.  
 Deposited as "Express Mail Post Office to Addressee" Mail Label No. \_\_\_\_\_

  
Signature

November 30, 2004  
Date

Kathleen McCafferty  
Typed or Printed Name

**EXTENSION OF TIME**

**NOTE:** "Extension of Time in Patent Cases (Supplemental Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run". Notice of December 10, 1985 (1061 O.G. 34-35)

**NOTE:** See 37 C.F.R. §1.645 for extensions of time in interference proceedings, and 37 C.F.R. §1.550(c) for extensions of time in reexamination proceedings.

**NOTE:** 37 CFR §1.704(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in §1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application, and the provisions of 37 CFR §1.136(a) apply.

(a)  Applicant petitions for an extension of time under 37 C.F.R. §1.136, fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:

Extension <u>months</u>	Fee for other than <u>a small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

**Fee:** \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ \_\_\_\_\_

or

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d) has been calculated as shown below.

(Col. 1)	(Col. 2)	(Col. 3)	Small Entity			Other than a Small Entity	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREV PAID FOR	PRESENT X-TRA	RATE	ADD FEE	OR	RATE	ADD FEE
TOTAL 22	MINUS 22	-	x	\$9 =		x	\$18 =
INDEP 4	MINUS 4	=	x	\$43 =		x	\$86 =
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEF. CLAIMS			+	\$145 =		+	\$290 =
				<b>TOTAL ADD FEE</b>		<b>TOTAL ADD FEE</b>	

**WARNING:** "After final rejection or action (§1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added)

(c)  No additional fee for claims is required.

Or

(d)  Fee for Claims Due: \$ \_\_\_\_\_

(e)  **TOTAL FEE FOR CLAIMS AND/OR EXTENSIONS:** \$ \_\_\_\_\_

## PAYMENT OF FEES

Attached is a  check  money order in the amount of \$ \_\_\_\_\_

Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

to Deposit Account No. 18-0988

to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

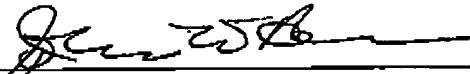
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986 (1065 O.G. 31-33).

6.  If any additional extension and/or fee is required, charge Account No. 18-0988.  
and/or  
 If any additional fee for claims is required, charge Account No. 18-0988.

RENNER, OTTO, BOISSELLE & SKLAR



Signature of Practitioner

John W. Renner  
Typed or printed name of practitioner)

Registration No. 19,097

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PATENT

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

DATE: November 30, 2004NAME: J. M. Coffey**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	BENKO
Serial No:	10/614,520
Filing Date:	July 7, 2003
Title:	MEZZANINE SAFETY GATE
Group Art Unit:	3634
Examiner:	Tran, K.H.
Applicant File No:	BENK.P0107US November 30, 2004

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**AMENDMENT TRANSMITTAL**

Sir:

In response to the Office Action dated October 13, 2004, please amend the above-identified application as follows:

U.S. Serial No. 10/614,520  
Page 2 of 13

**Amendments to the Specification** begin on page 3.

**Amendments to the Claims** are reflected in the listing of claims  
beginning on page 4.

**Remarks** begin on page 8.